THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27041 OF 2006

DATED 29th JANUARY, 2007

Between

Maloth Mangamma

... Petitioner

AND

The District Collector, Khammam and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.27041 OF 2006

ORDER:

The petitioner allegedly purchased land admeasuring Acs.1.30 guntas in survey No.35/18 situated at Rangapuram Village of Paloncha Mandal in Khammam District under unregistered sale deed, dated 08.03.1995. Statedly, she is in possession of the property and her name is also registered in the revenue records. It appears, the third respondent gave a complaint to second respondent alleging that the petitioner encroached upon the land. In response thereto, second respondent issued notice bearing R.C.No.B/9627/2006, dated 06.12.2006, which reads as under.

NOTICE

Sub: Land encroachment – Paloncha Mandal – Rangapuram village – Sy.No.35/18 to the extent of Ac.1.30 guntas – resumption of land – requested – reg.

Ref: Application dated 02.12.2006 submitted by Sri Maloth Ramulu and Smt.Maloth Jayamma before the RDO, Paloncha.

Sri Maloth Ramulu and Malaoth Jayamma residents of Rangapuram village have reported that Smt.Maloth Mangamma of Rangapuram village had encroached their land measuring Acs.1.30 guntas in Sy.No.35/18 of Rangapuram village and requested to resume their land from her. Therefore, Smt.Maloth Mangamma is directed to submit her title deeds in respect of the aforementioned land on 7.12.2006 before the Mandal Revenue Officer.

Sd/---
Mandal Revenue Officer,

Paloncha, 6.12.2006

Aggrieved by the above notice, the present writ petition is filed.

If the petitioner herein encroached upon the land in survey No.35/18 allegedly belonging to the third respondent, the remedy of the latter is to approach the civil Court and file a suit for recovery of possession. Curiously, however, the second respondent took himself to enquire about question of title, which is not permissible in law. This legal position is not denied.

Though this Court ordered notice to third respondent on 02.01.2007, the same has been returned served, but none appears. Therefore, the impugned order is set aside observing that if the third respondent is aggrieved by the encroachment as alleged, it shall be open to her to approach the civil Court.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

29.01.2007.
pln